CONSTITUTION
OF THE
NATIVE VILLAGE OF ILIAMNA

PREAMBLE

We a group of Alaskan Natives, residents of the State of Alaska, and Citizens of the United States, constitute the Native Village of Iliamna, Alaska, and by this declaration, we assert our freedom as a sovereign people and as such, we ordain and institute this Constitution to promote our community's Social, Economic, and Political progress.

ARTICLE I. NAME

Section I. Name. The name of this organization will be the Native Village of Iliamna.

ARTICLE II. TERRITORIAL JURISDICTION

Section II. Territorial Jurisdiction. The exterior boundaries of Iliamna Village will coincide with the lands selected by Iliamna Natives, Limited, the village corporation, under the Alaska Native Claims Settlement Act, and any other lands acquired by this village, or any Indian Country as may exist.

ARTICLE III. MEMBERSHIP

Section I. Basic Membership. All persons listed on the base roll of the Native Village of Iliamna shall be members of the Village. The base roll is to be certified by the Village Council and is to include only those living persons of Alaska Native descent who:

(a) Are domiciled in the village at the time the Base Roll is certified; or
(b) Were born or raised in the Village; or
(c) Have substantial ties to the Village as to be considered members of the Village by common community knowledge as determined by the Village Council; or
(d) Are shareholders of Iliamna Natives, Limited and have other significant ties to the Village, as determined by the Village Council.

Section II. New Members.

(a) Children. All children born to members residing in the Village and all children biologically of Alaska Native descent who are adopted by members residing in the Village may be admitted to membership upon application.

(b) New Residents. Any person of Alaska Native descent who lives in the Village for at least one (1) year and intends to remain in the Village may be admitted to membership upon application.

(c) Adopted Members. Any persons of Alaska Native descent or not otherwise eligible for membership but with familial or other

significant ties to the Village may be admitted to membership at the discretion of the Village Council.

Section III. Dual Membership Prohibited. Notwithstanding any other provision of this ordinance, no person may be a member of the Native Village of Iliamna who is also an enrolled member of another federally recognized Alaska Native village or Indian tribe.

Section IV. Loss Of Membership.

(a) Voluntary Relinquishment. Any member may relinquish membership by making a written request for disenrollment to the Council. The relinquishment will be effective upon validation by the President or the Secretary of the Village Council and may be made contingent upon enrollment in another tribe.

(b) Involuntary Loss Of Membership. A member may be disenrolled by the Council for the following:
(i) Fraud or the use of false information in the application; or
(ii) Enrollment in another federally recognized tribe; or
(iii) Other just cause upon due process of village law.

(c) Role of Tribal Court. A duly constituted tribal court may recommend disenrollment to the village council, but may not order disenrollment.

(d) Right to Reapply. Any person who has been disenrolled may reapply for membership provided that the re-enrollment of any person who was involuntarily disenrolled by the council, shall be at the discretion of the council.

ARTICLE IV. GOVERNING BODY

Section I. Name. The governing body of the Native Village of Iliamna will be the Iliamna Village Council herein after referred to as the Council.

Section II. Composition. The Council will consist of five members who will be elected by vote of the qualified members of the community at their annual election or meeting.

Section III. Officers. The Council will include a President, Vice President, Secretary/Treasurer, Sergeant of Arms, and a Member.

Section IV. Term of Office. The Council members will be elected to three year staggered terms.

Section V. Organization. The Council Members will organize and elect officers immediately following the Annual Meeting.

Section VI. Assumption of Office. All elected Council Members will take office immediately upon election.

Section VII. Conflict of Interest. No elected officer will

participate in any discussion or vote in any matter relating to himself or herself. A Council Member may be hired by the Council to work for the Tribal Government but he or she will abstain from participation on matters pertaining to his/her employment.

ARTICLE V. ELECTIONS

Section I. Voter Qualifications. Any duly enrolled member of the Native Village of Iliamna, eighteen (18) years of age or older and who has resided for at least three (3) years in the community prior to an election and is currently residing in the village will be entitled to vote in all community elections.

Section II. Qualifications of Candidates. Any duly enrolled member of the community who is at least eighteen (18) years of age on the date of the election and who has resided for at least three (3) years in the community prior to the election and is currently residing in the village may be a candidate for one of the Council seats.

Section III. Regular Election. The regular election of officials and questions requiring voter approval will be held annually at which time a system of staggered terms shall be established. Members shall hold office until their successors are duly elected and seated.

Section IV. Election Committee. There will be an election committee appointed by the council whose duties will be to supervise, administer and conduct all Tribal elections. The election committee will certify the election of community officials immediately after the election. No member of the election committee will be a member of the Council or a candidate for a position on the Council.

ARTICLE VI. REMOVAL, RECALL, AND FORFEITURE

Section I. Removal. Any Council member or other official found guilty by the Council of behavior involving gross misconduct in office or negligence of duty will be removed from office if a least three (3) members of the Council vote in favor of such removal. Voting must be by secret ballot and the President is entitled to vote. If the accused is a member of the Council, the accused will have no right to cast a ballot. Before any vote for removal is taken, the person subject to removal will be given a written statement of the charges against him at least ten (10) days before the meeting of the Council at which he is to appear and he will be given an opportunity to answer any and all charges at the designated Council meeting. If the person subject to removal fails to appear before the Council, the Council will proceed with the vote as scheduled. The decision of the Council will be final. No member of the Council will preside over the meeting at which his removal is being considered.

Section II. Recall. Community members will have the power to recall any member of the Council. The recall process will be initiated by filing with the Council a valid petition asking for such recall, signed by at least ten percent (10%) of the eligible voters, and setting forth the reasons for the petition. Within thirty (30) days

after receipt of a valid recall petition, the Council will call and conduct an election to consider the recall of the officials named in the petition.

Section III. Forfeiture. If any member of the Council is found guilty of a felony in any federal or state court, he/she will have to resign. If a Council member is absent from three (3) successive meetings without being excused by the Council, he/she will automatically forfeit his seat.

ARTICLE VII. VACANCIES

Section I. Vacancies. Any office which has been vacated, whether it be by removal, recall or forfeiture, will be filled by an appointment approved by a majority of the remaining Council members at its next meeting. Such replacement will serve until the vacated term is expired or a successor is elected and qualified.

ARTICLE VIII. POWERS

Section I. Powers. The Council will have the powers available to it under federal law including the following:

(a) To consult, negotiate, contract or conclude agreements with Federal, State, and Local Governments on activities which may effect the Native Village of Iliamna.

(b) To employ legal counsel.

(c) To acquire property and to accept gifts.

(d) To join and/or charter community housing authorities.

(e) To charter community enterprises, corporations, and associations.

(f) To prescribe rules and regulations governing future membership, loss of membership and the adoption of members.

(g) To administer community assets and manage all economic affairs and enterprises of the community, including the lease, sale, or disposition of lands owned by the community.

(h) To promote the peace, safety, health, and general welfare of the members of the community.

(i) To enact ordinances and regulations consistent with this constitution.

(j) To levy and collect taxes, fees, and assessments for community purposes upon Tribal Members and/or within the identified community boundaries.

(k) To encourage and foster the arts, crafts, traditions, language and

culture of the community.

(l) To place Native children in acceptable homes if the State is involved.

Section II. Rights and powers. Any rights and powers heretofore vested in the Native Village of Iliamna but not expressly referred to in this constitution will not be lost by reason of their omission, but may be exercised by the Council through the adoption of appropriate amendments to this constitution.

ARTICLE IX. POPULAR PARTICIPATION IN GOVERNMENT

Section I. Initiative. The eligible voters of the community will have the right to propose legislation and vote by secret ballot to determine whether the proposal will be adopted or rejected. Upon receipt of a valid petition signed by at least ten percent (10%) of the eligible voters, the Council will call an election to be conducted by the election board no later than thirty (30) days after receipt of the petition. An affirmative vote by at least a majority of those voting on the proposal will be required to determine the issues or questions submitted to the voters.

Section II. Referendum. The Council by an affirmative vote of at least three (3) of its members will call an election to be conducted by the election board within thirty (30) days of such council decision for the purpose of deciding by secret ballot issues or questions that are within the authority of the Council. An affirmative vote by at least a majority of those voting on the proposal will be required to determine the issues or questions submitted to the voters.

Section III. Decision of Tribal Members. The decision of the voters in both initiative and referendum elections will be binding on the Council and the community and will remain in full force until amended or rescinded by subsequent action of the voters or it expires under its own terms.

ARTICLE X. RIGHTS OF MEMBERS

Section I. Rights. All members of the community will enjoy without hindrance equal rights of life, liberty, and the pursuit of happiness.

Section II. Rights and Privileges. This constitution will not in any way alter, abridge or otherwise jeopardize the rights and privileges of the members of the community as citizens of the State of Alaska and the United States.

Section III. Property Right. The individual property rights of any member of the Native Village of Iliamna will not be altered, abridged or otherwise affected by the provisions of this constitution.

Section IV. Record Review. Community members will have the right to review all council records including financial records at any reasonable time in accordance with procedures established by the

Council.

Section V. Exercising Powers Limited. The Native Village of Iliamna in exercising its powers of self-government will not:

(a) Make or enforce any law prohibiting the full exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition for a redress of grievances;

(b) Violate the right of the people to be secure in their persons, houses, papers and effects against unreasonable search and seizure, nor issue warrants, except upon probable cause supported by oath or affirmation and particularly describing the place to be searched and the person or thing to be seized;

(c) Subject any person for the same offense to be twice put in jeopardy;

(d) Compel any person in any criminal case to be a witness against himself;

(e) Take any private property for a public use without just compensation;

(f) Deny to any person in a criminal proceeding the right to a speedy trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense, to have the assistance of counsel for his defense;

(g) Require excessive bail, impose excessive fines, or inflict cruel and unusual punishment;

(h) Deny to any members within its jurisdiction the equal protection of its laws or deprive any member of liberty or property without due process of law;

(i) Pass any bill of attainder or ex post facto law;

(j) Deny to any person accused of an offense punishable by imprisonment the right to a trial by jury of not less than six (6) persons.

ARTICLE XI. DUTIES OF OFFICERS

Section I. President. The President will preside at all meetings of the community and of the Council and will execute on behalf of the community all contracts, leases or other documents approved by the Council. He/she will vote in matters before the Council. He/she will have general supervision of all other officers, employees, and committees of the community and see that their duties are properly performed. When the Council is not in session, he/she will be the

official representative of the community.

Section II. Vice President. The Vice President will assist the President when called upon to do so. In the absence of the President, he/she will preside at meetings and when so presiding will have all the rights, privileges, duties and responsibilities of the President.

Section III. Secretary/Treasurer. The Secretary/Treasurer will keep the minutes of all meetings and will attest to the enactment of all resolutions and ordinances. The Secretary/ Treasurer will issue notices of all meeting and elections and conduct all general correspondence as directed by the Council. The Secretary/ Treasurer will carry out the financial directives of the Council, receive all local monies and keep an accurate account of the receipts and disbursements. Funds will be deposited in the Iliamna Village Council's account in a local bank selected by the council where depositor's funds are insured by the Federal Deposit Insurance Corporation. All disbursements will be made by check in accordance with resolutions of the Council.

The Secretary/Treasurer will give a financial report to the Council once a month, and all financial records will be available for inspection by any member of the community and will be open at all times for audit and inspection. All financial records will be kept at the business office of the Council.

ARTICLE XII. MEETINGS

Section I. Regular and Special Meetings. Regular meetings of the Council will be held. The time, place and date will be designated by the Council.

Special meetings of the Council may be called by the President and will be called by him upon receipt of a petition signed by at least three (3) members of the Council and when so called, the Council will have power to transact business as in regular meetings provided that a quorum is present.

Section II. Quorum. A quorum of the Council will consist of three (3) members of the Council. No business will be transacted unless a quorum is present.

Section III. Conflict of Interest. No Council member will vote on any matter before the Council in which he has a personal interest or which will benefit him directly through employment contracts, project funding, or appointments to community committees.

Section IV. Meetings Public. All meetings of the Council will be open to the general membership of the Village of Iliamna and the membership shall have reasonable opportunity to be heard. Closed or executive sessions shall only be held pursuant to law.

Section V. Decisions. All final decisions of the Council on matters

of general or permanent interest to members of the Native Community will be embodied in ordinances. The ordinances will be collected and made available to community members and others affected upon reasonable request.

Section VI. Resolutions Temporary. All final decisions of the Council on matters of temporary interest will be embodied in resolutions. Resolutions will be collected and made available to community members and other affected persons upon request.

Section VII. Regular Meetings. Regular meetings of the general membership of the Native Village of Iliamna will be held at least once annually. The date, time and place of such meetings will be determined by the Council. Special meetings of the general membership may be called by the President and will be called by him/her upon receipt of a petition signed by at least ten percent (10%) of the members of the Native Village of Iliamna.

Section VIII. Quorum of Membership. A quorum of the membership will consist of ten percent (10%) of the Native Village of Iliamna. No business shall be conducted unless a quorum is present.

ARTICLE XIII. TRIBAL COURT

Section I. Tribal Court. The Native Village of Iliamna may exercise the power to conduct its own Judicial System provided that crimes of a felony nature will be under the jurisdiction of the Federal and State Courts.

Section II. Procedures. The office of the Tribal Judge, all duties, or any other function relating to Tribal Court will be set forth by ordinance.

ARTICLE XIV. SEVERABILITY

Section I. Severability. If any provision of this constitution is declared invalid by a court of competent jurisdiction, the invalid provision will be severed and the remaining provisions will continue in full force and effect.

ARTICLE XV. SAVING CLAUSE

Section II. Saving Clause. In case of Constitutional revisions, all previous ordinances and resolutions will remain in effect to the extent that they are consistent with the new revisions.

ARTICLE XVI. AMENDMENTS

Section I. Amendments. This constitution may be amended by a majority vote of those voting on the amendment who are qualified voters of the Native Village of Iliamna as listed in Article V. Section 1, provided, that at least ten percent (10%) of those entitled to vote will vote in such election.

It will be the duty of the Council President to call an election on any proposed amendment at the request of the Council or upon receipt of a petition signed by at least ten percent (10%) of the qualified voters of the Native Village of Iliamna.

ARTICLE XVII. ADOPTION

This constitution when adopted by a majority vote of those voting at an election called for that purpose who are qualified voters of the Native Village of Iliamna as defined in Article V, Section I, in which at least ten percent (10%) of those entitled to vote actually do vote, will be effective from the date of approval.

DATE OF ADOPTION: September 4 1991

Voting For: 7 Voting Against: 0

Council President: [signature] Date: 9-4-91
Signature

Council Vice President: [signature] Date: 9-4-91
Signature

Secretary/Treasurer: [signature] Date: 9-4-91
Signature

Member ~~Sgt. of Arms~~: [signature] Date: 9/18/91
Signature

Member: [signature] Date: 9-4-91
Signature